

O I P E J C 1 4 6
OCT 07 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 10-4-04 Signature: Maura A. Gallagher
(Maura A. Gallagher)

Docket No.: CDPC-P01-003
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey J. Fitzgerald

Application No.: 10/727118

Confirmation No.: 4402

Filed: December 2, 2003

Art Unit: 2661

For: ETHERNET NETWORK AVAILABILITY

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed March 4, 2004, Applicant respectfully submits the Filing Fee for the Application (as shown on accompanying Fee Transmittal), Part 2 Copy of Notice, Petition under 37 CFR 1.47(b) and Statement of Facts in Support of the Petition, and an unexecuted Combined Declaration and Power of Attorney.

Please charge our Deposit Account No. 18-1945 in the amount of \$1,630.00 covering the fees set forth in 37 CFR , 1.17(a)(5), 1.16(e), and 1.16(a). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit

Application No.: 10/727118

Docket No.: CDPC-P01-003

Account No. 18-1945, under Order No. CDPC-P01-003. A duplicate copy of this paper is enclosed.

Dated: October 4, 2004

Respectfully submitted,

By 

Edward J. Kelly

Registration No.: 38,936

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/727,118	12/02/2003	Jeffrey J. Fitzgerald	CDPC-P01-003

28120
 ROPES & GRAY LLP
 ONE INTERNATIONAL PLACE
 BOSTON, MA 02110-2624

Ropes & Gray
 Intellectual Property Dept.

MAR 08 2004

CONFIRMATION NO. 4402

FORMALITIES LETTER



OC000000012019077

Date Mailed: 03/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$450** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

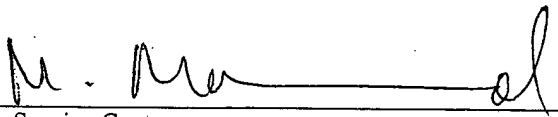
Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

Ropes & Gray**Symbol #** *CDPC-P01-003***Action Due:** *Res. to UTFMP*
*Oath / Fee + Fees***Deadline(s):** *04 May 2004 / 04 OCT 2004*
Final

10/08/2004 RMEBRAHT 00000077 181945 10727118

01 FC:2001 395.00 DA
 02 FC:2051 65.00 DA

A copy of this notice MUST be returned with the reply.

A handwritten signature in black ink, appearing to be "M. M. al", written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY